

Appl. No. 10/698,720
Amdt. Dated February 8, 2005
Reply to Office Action of November 8, 2004

• • R E M A R K S / A R G U M E N T S • •

The Official Action of November 8, 2004 has been thoroughly studied. Accordingly, the changes presented herein for the application, considered together with the following remarks, are believed to be sufficient to place the application into condition for allowance.

By the present amendment the claims have been changed to describe the hub assembly as a one-piece cast or molded hub assembly that comprises, as a single unitary structure, the various elements which were previously recited, such as the latch gear, the annular bracing structure, etc.

In addition, independent claim 1 has been amended to recite that the one-piece cast or molded hub assembly that comprises a substantially cylindrical surface upon which a hose can be wound.

Support for the hub assembly being cast or molded can be found in the last full paragraph on page 6 of applicant's specification.

Support for the recitation of the hub assembly includes a substantially cylindrical surface upon which a hose can be wound can readily be found in applicant's Fig. 8.

Entry of the changes to the claims is respectfully requested.

Claim 1-20 are pending in this application.

Claim 2 was rejected under 35 U.S.C. §112, second paragraph. Under this rejection the Examiner noted that the phrase "the latch gear assembly" lacked sufficient antecedent basis in the claims.

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In response to this rejection the phrase "the latch gear assembly" has been changed to "the latch gear."

This change is believed to address and overcome the outstanding rejection of claim 2 under 35 U.S.C. §112, second paragraph.

Claims 1, 2 and 5-8 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,787,923 to Shea et al.

Claims 3, 4 and 10-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Shea et al. in view of U.S. Patent No. 4,832,074 to Li.

Claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Shea et al. in view of U.S. Patent Application Publication No. 2004/0094204 A1.

For the reasons set forth below it is submitted that all of the pending claims are allowable over the prior art of record and therefore, each of the outstanding rejections of the claims should properly be withdrawn.

Favorable reconsideration by the Examiner is earnestly solicited.

The Examiner has relied upon Shea et al. as showing"

...a hose reel (10) which comprise: a spool (18) for receiving a length of hose (12) thereon; a mounting bracket (24); a fluid inlet tube (14) having a central axis and coupling the spool (18) to the mounting bracket (24) so that the spool (18) can rotate about the central axis of the fluid inlet tube (14) with respect to the mounting bracket (24); and a mechanical rewinding mechanism (i.e. using a spring 82) coupled to the spool (18), the spool including a hub assembly (20...etc.) and a pair of spool flange plates (left and right flange of 18) attached to opposite sides of the hub assembly, the hub assembly comprising, as an integral element thereof, a latch gear (126...etc.) having a plurality of teeth (142) that cooperate with a rewinding latch mechanism (i.e. using spring 82), see figures 1-5.

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Applicant presently claims the hub assembly as a one-piece cast or molded hub assembly that comprises, as a single unitary structure, the latch gear and a substantially cylindrical surface upon which a hose can be wound. (Claim 1)

The Examiner has identified Shea et al. as teaching a "hub assembly (20...etc.)" and "as an integral element thereof, a latch gear (126...etc.)."

Reference numeral 20 in Shea et al. identifies a "hose connection hub" and reference numeral 126 of Shea et al. identifies a "ratchet wheel 126 comprising a series of parallel ratchet plates 128."

As shown in Fig. 1, the ratchet wheel 126 of Shea et al. is connected to latch hub 26 by fasteners (bolts) 126. Moreover in Shea et al. the hose connection hub 20 is provided on one end of shaft 16 and the latch hub 26 is provided on the opposite end of shaft 16.

As shown by the cross-sectional shading in Figs. 1 and 2, not even the ratchet wheel 26 of Shea et al. can be construed as being a one-piece cast or molded portion of a hub assembly that includes the hose connection hub 20 and the ratchet wheel.

The ratchet wheel 26 and hose connection hub 20 of Shea et al. are not even in direct contact with one another and the ratchet wheel 26 includes "a series of parallel ratchet plates 128."

Accordingly, Shea et al. fails to teach a one-piece cast or molded hub assembly that comprises, as a single unitary structure, the latch gear, let alone a substantially cylindrical surface upon which a hose can be wound.

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It is assumed that in interpreting applicant's original claim 1 the Examiner took the position that the overall assembly of the various elements of Shea et al. read on applicant's claim language that previously recited that the "the hub assembly comprising, as an integral element thereof, a latch gear having a plurality of teeth that cooperate with a rewinding latch mechanism."

As amended herein claim 1 requires that the hub assembly is a one-piece cast or molded assembly that comprises, as a single unitary structure, the latch gear and a substantially cylindrical surface upon which a hose can be wound.

The use of a one-piece cast or molded assembly allows for simplification and easy assembly of applicant's claimed hose reel which has been particularly designed to accommodate design limitations dictated by molding and casting operations. So far as applicant is aware there are no hose reels that include a one-piece cast or molded hub assembly according to the present invention.

This is in sharp contrast to the fact the Shea et al. requires on one level that the ratchet wheel 26 include "a series of parallel ratchet plates 128." Assumedly, Shea et al. requires such a configuration for purposes of manufacturing or assembly (note use of fasteners or bolts 106), but in any event Shea et al. clearly does not appreciate the structural differences associated with applicant's invention.

Not even is the hub of Shea et al. a one-piece molded or cast single unitary structure. Rather the overall hub assembly includes a shaft 16 to which the hose connection hub 20 is provided on one end and the latch hub 26 is provided on the opposite end.

Shea et al. cannot be relied upon as anticipating applicant's claimed invention.

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The Examiner has relied upon Li '074 as teaching a hub assembly that includes a plurality of radial spokes.

The Examiner has relied upon Li '204 as teaching a plurality of mechanical fasteners that extend through a pair of spool flanges.

The Examiner's further reliance upon each of Li '074 and '204 does not address or overcome the structural differences that distinguish applicant's claimed invention over Shea et al.

Accordingly, the Examiner's further reliance upon each of Li '074 and '204 does not render claims 3, 4 and 9-20 obvious.

Based upon the above distinctions between the prior art relied upon by the Examiner and the present invention, and the overall teachings of prior art, properly considered as a whole, it is respectfully submitted that the Examiner cannot rely upon the prior art as required under 35 U.S.C. §102 as anticipating applicant's claimed invention.

Moreover, the Examiner cannot rely upon the prior art as required under 35 U.S.C. §103 to establish a *prima facie* case of obviousness of applicant's claimed invention.

It is, therefore, submitted that any reliance upon prior art would be improper inasmuch as the prior art does not remotely anticipate, teach, suggest or render obvious the present invention.

It is submitted that the claims, as now amended, and the discussion contained herein clearly show that the claimed invention is novel and neither anticipated nor obvious over the teachings of the prior art and the outstanding rejections of the claims should hence be withdrawn.

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Therefore, reconsideration and withdrawal of the outstanding rejections of the claims and an early allowance of the claims is believed to be in order.

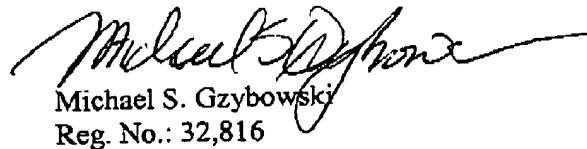
The prior art made of record but not relied upon by the Examiner has been noted.

It is believed that the above represents a complete response to the Official Action and reconsideration is requested.

If upon consideration of the above, the Examiner should feel that there remain outstanding issues in the present application that could be resolved, the Examiner is invited to contact applicant's patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 12-2136 and please credit any excess fees to such deposit account.

Respectfully submitted,


Michael S. Gzybowski
Reg. No.: 32,816

BUTZEL LONG
350 South Main Street
Suite 300
Ann Arbor, Michigan 48104
(734) 995-3110

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